

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

ADJURE BAYNARD,

v.

ZACKERY REGISTER, *et al.*,

Defendant.

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Case No.: 7:22-CV-19 (WLS-TQL)

ORDER

Before the Court is a Recommendation of Dismissal filed by United States Magistrate Judge Thomas Q. Langstaff on March 15, 2022. (Doc. 3.) Therein, Judge Langstaff recommends that Plaintiff's Petition for a Writ of Mandamus (Doc. 1) be dismissed without prejudice. (Doc. 3 at 1.) Judge Langstaff recommends that Plaintiff's petition be dismissed as the Defendants named in Plaintiff's Petition are Assistant District Attorneys in the Southern Judicial Circuit (Doc. 3 at 3) and United States District Courts lack authority to issue writs compelling action by state officials in the performance of their duties. *See Moye v. Clerk, DeKalb Cnty. Superior Court*, 474 F.2d 1275, 1276 (5th Cir. 1973) (per curiam); *see also Lawrence v. Miami-Dade Cnty. State Attorney Office*, 272 F. App'x 781, 781 (11th Cir. 2008) (per curiam).

To date, no objection has been filed with this Court. Therefore, this Court reviews the Recommendation of Dismissal upon the record for clear error, and upon full review and consideration of the record, and finding neither plain error nor manifest injustice in Judge Langstaff's Recommendation, *see United States v. Aponte*, 461 F. App'x 828, 830 n.2 (11th Cir. 2012) this Court finds that the Recommendation (Doc. 3) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made

and reasons stated therein. Plaintiff's Petition for a Writ of Mandamus is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED, this 5th day of April, 2022.

/s/ W. Louis Sands

**W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT**